



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Reed, et al  
Examiner : Cross, Latoya I.  
Art Unit : 5976  
Docket No. : 79377  
Serial No. : 10/036,882  
Filed : 01/02/2002  
For : FIRE SUPPRESSING GAS GENERATOR COMPOSITION

Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

RENEWED PETITION FOR REVIVING AN ABANDONED APPLICATION  
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)

Sir,

This renewed petition is in response to the Commissioner's non-final decision (dated July 24, 2004) of Applicant's Petition for Reviving an Unavoidable Abandoned Application mailed July 12, 2004. This is a Renewed Petition for Reviving An Abandoned Application Unintentionally under 37 CFR § 1.137(b), which is a supplement to Applicant's originally filed Petition mailed July 12, 2004.

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**I. RENEWED PETITION FOR REVIVING AN UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)**

Commissioner has dismissed (non-final) Applicants Petition for Reviving an Unavoidable Abandoned Application mailed July 12, 2004 for reasons set forth below. Commissioner states that "statements by all persons with direct knowledge of the circumstances surrounding the delay, and setting forth the facts as they know them," is some of the requirements to further determine Applicants claim of "Unavoidable;" however, some of these persons are no longer employed with this office and can not be reached. Therefore, the requested statements cannot be obtained. As a result, the Applicants are left with no other alternative than to Petition for Reviving an Unintentionally Abandoned Application under 37 CFR § 1.137(b).

In response to the Commissioner's decision (dated July 24, 2004), Applicants respectfully submit this Renew Petition to Revive the Unintentionally Abandoned Patent Application under 37 CFR § 1.137(b).

(b) If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent.

Grantable petition pursuant to this paragraph must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer required pursuant to this paragraph (d) of this section if the utility application was filed before June 8, 1995 or if the filing of the petition to revive the abandoned application was not filed promptly after notification of the abandonment.

(1) The Commissioner states in the non-final dismissal decision that the reply is required for submission if Applicants chose to file Petition for Reviving an Unintentional Application, unless it was previously submitted. The reply has previously been submitted

with the Petition from Applicants dated July 12, 2004, and therefore is not required for further submission.

(2) The petition is accompanied by a petition fee as set forth in 37 C.F.R. 1.17(m).

(3) If the abandonment was unintentional, the petition simply may include a statement that the entire delay in filing the required reply, from the due date for reply to the date of filing the petition, was unintentional. Therefore, the Applicants submit the statement that; "The entire delay in filing the required reply, from the due date for reply to the date of filing the petition, was unintentional."

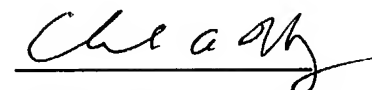
(4) No terminal disclaimer is required since the filing date of the above patent application was after June 8, 1995 and the petition to revive the abandoned application was filed promptly.

The Commissioner is authorized to charge any fees associated with filing of this Petition to Revive Abandoned Application under 37 C.F.R. § 1.137(b) to Deposit Account No. 50-0931.

Applicant invites the Examiner to call the undersigned if clarification is needed on any aspect of this response, or if the examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully,

Navy Case No. 79377  
NAWCWD  
Office of Counsel, Code K00000D  
1 Administration Circle, STOP 1009  
China Lake, CA 93555-6100  
Telephone: (760) 939-4177  
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Attorney for Applicants  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

DOCKET NUMBER (OPTIONAL)  
79377

First named inventor: REED, Russell, et al.

Application Number: 10/036,882

Filed: 1/2/02

Title: Fire Suppressing Gas Generator Composition



Art Unit: 5976

Examiner: CROSS, Latoya I.

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$1330.00 (37 CFR 1.17 (m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☒ has been filed previously on 12 July 2004
- ☐ is enclosed herewith.

B. The issue fee of \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June, 8 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \_\_\_\_\_ for a small entity or \_\_\_\_\_ other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 10137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

8/4/2004

Date



Signature

(760) 939-4177

Telephone Number

Charlene Haley

52,983

Typed or printed name

NAWCWD CODE: K00000D

Address

1 Administration Circle Stop 1009

Address

China Lake

CA

93555-6100

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other:

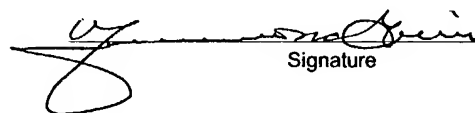
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)].

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8/4/2004

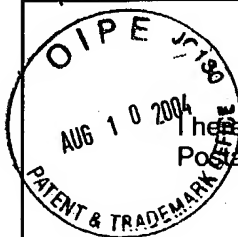
Date



Signature

Meichelle McGuire, Paralegal

Type or printed name of person signing certificate

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mailstop: Petition  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria VA 22313-1450

on 4 Aug 2004  
 Date

  
 Signature

Michelle McGuire, Paralegal

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Attorney Docket No. 79377

Transmittal Form (orig & copy)	2 pages
Fee Transmittal form (orig & copy)	2 pages
Renewed Petition for Reviving an Abandoned Application	
Unintentionally Under 37 CFR 1.137(b)	3 pages
Petition for Revival of an Application for Patent Abandoned	
Unintentionally Under 37 CFR 1.137(b) (PTO/SB64 form)	2 pages
Return Receipt Postcard	1 card

This collection of information is required by 37 CFR 1.53(b). The information is required or obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**